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In her Barrington home, Janice Franco, a follower of the Orthodox Baha'i Faith, holds an Arabic calligraphy rendering of "The Great One," a sacred symbol. Mainstream Baha'is don't want the orthodox group to use the name or the symbol. STACEY WESCOTT/TRIBUNE PHOTO

When religion splits, courts get a rare say

Baha'i groups in lawsuit over use of name and sacred symbol

By Manya A. Brachear
TRIBUNE REPORTER

Every religion has been riven by struggles over authority and authenticity.

Buddhism began when a maverick Hindu prince inspired disciples to embrace asceticism. Judaism has sprouted branches from ultra-orthodox to ultra-liberal, even Jews for Jesus. Christianity went through numerous profound splits, including the Protestant Reformation sparked in the 16th Century by Martin Luther in Germany and the 19th Century Mormon movement led by Joseph Smith in the U.S.

Now the Baha'i Faith, the organization representing the most recent sect to spring from Islam, is struggling to defend its identity in federal court in Chicago, where North American Baha'is have been based ever since believers came to the U.S. about 90 years ago. They contend that a tiny band of believers known as the Orthodox Baha'i Faith can't call themselves Baha'i or use one of its key symbols without violating trademark law or a previous court ruling more than 40 years ago.

In the hands of the federal 7th Circuit Court of Appeals, the case could set a precedent for settling religious schisms, doctrinal disputes and claims to truth.

"The word Baha'i carries with it implications for a certain sets of beliefs—and we have to protect that," said Robert Stockman, a practicing Baha'i and religious studies instructor at DePaul University.

Adherents of the Orthodox Baha'i Faith believe the international community has strayed from the religion's original teachings. That deviation, they say, threatens to interfere with God's plan for the world.

Baha'u'llah, who founded the faith in Iran in the mid-19th Century, is regarded by Baha'is as the most recent messenger of God in a long line including Abraham, Buddha, Krishna, Jesus and Muhammad. Baha'is believe Baha'u'llah revealed God's plan by which humanity one day would unite to become a single race.

On a Web site called www.truebahai.com, the orthodox group faults the mainstream denomination for corrupting that plan.

The mainstream Baha'is have responded with a lawsuit that tries to bar the orthodox from calling themselves Baha'i and sharing the "The Greatest Name," a sacred and trademarked symbol. Baha'is believe they are not only safeguarding their identity. They are defending the truth with a capital T.

The Orthodox say that is not a matter for the courts to decide.

"We're the true faith. That's what we would say," said Jeffrey Goldberg, a member of the Orthodox Baha'i Faith who left Chicago to be closer to an Orthodox community in New Mexico. "That has to be decided in the hearts and minds of the Baha'i, not by a secular court order."

The Baha'is first took breakaway believers to court in 1986 after a tumultuous time for their community. Nine years earlier, Shoghi Effendi, guardian of the faith and direct descendant of the founding prophet, had died unexpectedly and allegedly without naming a successor.

Leaders decided a Universal House of Justice envisioned by Effendi would oversee the faith. But shortly after the leaders announced their solution, one of them declared that Effendi actually had intended for him to serve as the next guardian.

Charles Mason Remey, then in his 90s, said Effendi had addressed him in letters as his son or spiritual descendant.

The National Assembly of France and about 100 others followed Remey. But the rest of the Baha'i community declared Remey a covenant breaker, expelled him from the faith and successfully sued his followers, barring them from calling themselves Baha'i and using the sacred symbol. Remey's group disbanded, but orthodox believers reorganized and continued to maintain the guardianship.

Thirty years later, Goldberg, an active Baha'i in Barrington, came upon the splinter group while surfing the Internet. He became convinced that he had been duped.

With no explanation, Goldberg quietly resigned from the community because he knew the consequences. When Baha'is are declared covenant breakers, they are shunned or ostracized with the exception of business relations.

But Janice Franco wouldn't let Goldberg go that easily. She insisted on knowing why he left and, when he told her, went on a quest to prove him wrong. After plunging herself into Baha'i literature, Franco discovered Goldberg might have a point.

Indeed, both Goldberg and Franco were declared covenant breakers and shunned. Goldberg's wife was encouraged to divorce her husband. Franco's home-schooled children lost a number of friends. To this day, they are wary of organized religion.

"It was devastating news to find out the larger group had strayed," Franco said. "I want to follow the truth. I don't want to support a mistake. The consequence is I don't have a community."

Then in 2006, the mainstream Baha'is filed a lawsuit, accusing the orthodox believers of violating the court order issued 40 years earlier.

The Orthodox Baha'is insist they aren't the same group. They also say a religious denomination can't trademark truth. The term Baha'i refers to a follower of Baha'u'llah. That applies to him and other Orthodox Baha'i, he said.

"From our point of view, if you believe in Christ you can use the word Christ in your name," Goldberg said. "It's a little bit like asking you to recant your faith. It's unacceptable to us."

But Stockman said it is the religion's responsibility to protect the Baha'i name.

"Baha'is are told again and again to try to exercise discipline on what they say about their faith and don't confuse the public.... We have our own community to build," he said.

There are 5 million Baha'is in the world—150,000 in the U.S., including 2,000 in the Chicago area. Why the mainstream denomination waited four decades to enforce the court ruling is a mystery. Baha'i leaders declined interview requests.

Barring the Orthodox believers from using the name "Baha'i" prevents them from popping up in Google when users type in that term.

Stockman said the Web is a tricky place to have conversations about spiritual truth.

"It's not our desire to convert people. It's our desire to put our material out there for people to know what the truth is and decide themselves."

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Seek with the Seeker

Read Manya Brachear's blog, The Seeker, at chicagotribune.com/seeker

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